

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated August 27, 2007(hereinafter Office Action) have been considered. Claims 1-15 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 13 and 15 are rejected based on 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant respectfully traverses the rejection, but in the interest of facilitating prosecution have amended Claims 13 and 15 to read “computer-readable storage medium.” Applicant submits that these amendments should be entered because they were made to comply with a requirement of form expressly set forth in the Office Action, and the amendments present the rejected claims in better form for consideration on appeal. 37 C.F.R. § 116.

Claims 1-15 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,708,217 to Colson et al. (hereinafter “Colson”). Applicant respectfully traverses the rejections. To anticipate a claim the reference must teach every element of the claim, and it is respectfully submitted that Colson does not meet this standard.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim.” MPEP § 2131, quoting *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicant asserts that Colson does not teach every element of Claims 1-15, and therefore fails to anticipate Claims 1-15.

Regarding independent Claims 1, 6, 11, 13-15, Applicant submits that these claims all describe a content request that contains an indicator that a multipart response is desired. For example, Claim 1 describes a client adapted to request content from the communication

system, the request for content including an indicator that a multipart response is desired for the client. Applicant respectfully asserts that Colson fails to expressly or inherently describe at least this aspect of the independent claims.

In the Office Action, column 4, lines 35-41 of Colson is relied upon to show a request for content including an indicator that a multipart response is desired for the client. Applicant respectfully disagrees, and submits that this characterization has at least two flaws. First, this excerpt of Colson is not describing a content request, but is describing sending “content registration messages to the demux controller.” (Colson, col. 4, lines 36-38). Note that Colson is directed to “a technique whereby multi-modal document content can be received, demultiplexed, and distributed to one or more appropriate content renderers” by way of a network component called the demux controller (Wdemux). (Colson, col. 3, lines 52-55). The content renderers each have “different content rendering capabilities” (Colson, col. 7, lines 7-8) and thus, upon receipt of content with multiple types of content, the Wdemux needs a mechanism to determine “the content renderer(s) capable of rendering that content type.” (Colson, col. 9, lines 5-6). The sending of registration messages as described in col. 4 is one way that Colson describes for configuring the Wdemux content registry (see also col. 10, lines 46-65). Therefore, the registration messages described in Colson are not content requests, but are registrations used to configure the Wdemux controller.

The second failing in Colson relates to there being no teaching of an indication included in a content request that a multipart response is desired. The registration messages being sent to Colson’s Wdemux, while clearly not content requests, still fail to expressly or inherently indicate that multipart content is desired. Recall these registrations messages are used to indicate to the Wdemux that a particular client is capable of handling a individual content types (e.g., “text/html,” “image/gif,” “audio/wav,” Colson, col. 7, lines 48-51) and therefore the Wdemux can divide a received multipart message into its constituent parts and send those parts to the appropriate client based on content-type of the part (e.g., Colson, col. 7, line 57 to col. 8 line 14). Therefore at most Colson suggests that the content renderers can register to receive one or more individual content types (e.g., col. 10, line 65 to col. 11,

line 1), but does not teach that a content renderer can register for a multipart request. Nor would such a multipart registration be inherent in the teachings of Colson, because the system of Colson would not necessarily require allowing clients to register for a multipart response.

Although Applicant asserts that the portions of Colson relied upon to show content requests (e.g., content registration messages described in col. 4) fail to show a content request, Colson does describe content request messages in various other portions of the disclosure. For example, “Web browser ...[generates] a request for a Web page using its URL and to send the request to a Web server,” col. 1, lines 35-39; “document request may be generated as a HyperText Transport Protocol (HTTP) message,” col. 4, lines 26-27; “all client HTTP requests will pass through the Wdemux on the outbound path to the server ... [or alternatively] the outgoing HTTP requests are sent directly to a Web server, with all incoming responses being routed through the Wdemux,” col. 7, lines 24-29. However, nowhere does Colson describe either expressly or inherently that these browser/HTTP requests include an indicator that a multipart response is desired for the client.

For at least these reasons, Colson fails to expressly or inherently show a content request including an indicator that the issuer of the request desires a multipart response. As such, Colson fails to expressly or inherently show all of the limitations of independent Claims 1, 6, 11, 13-15, and a prima facie anticipation rejection cannot be maintained.

In addition, Claim 1 further describes a single part response sent to the client in response to the request, where it was indicated in the request that a multipart response was desired. The single part response includes an indicator to signal that a subsequent multipart response that is related to the single part response will be sent to the client. Claims 14 and 15 further describe determining a multipart response expectation in a content request, generating a single part response in response the expectation, and sending a multipart response to the client after a second content request is received, the multipart response being related to the single part response. Applicants submit that Colson fails to show a single part response with an indicator to signal that a subsequent multipart response will be

sent as set forth in Claim 1, and fails to show first single part response and related second multipart response as in Claims 14 and 15.

The Office Action relies on column 2, lines 4-23 of Colson to show the single and multipart responses as set forth in Claims 1, 14, and 15; e.g., "The first part is a header describing the returned document, and the second part is the document itself;" "When the response includes multiple documents or document parts having multiple content types, then the HTTP header preferably ... indicate that a multipart message with data in more than one [part] is being sent." (Office Action, pages 9-10). Applicant submits that this excerpt of Colson is not describing, either expressly or inherently, a first single part response and a second multipart response that is related to the first response.

The excerpts of Colson indicated above show, not two responses, but a single HTTP response that is well known in the art to include a header and body. Colson describes a Web server that "returns a requested document to the browser as a two-part transmission," (Colson, col. 2, lines 4-7) but this so-called "two-part transmission" is actually the header and document that make up a single response. A standard Web response contains a header and document, all included as part of the same block of data returned in response to a single HTTP request. Therefore the header described in Colson cannot by itself be relied upon to show a first single part response, because it is described as being returned with the document, and both the header and document, whether the response is single- or multi-part, are all still part of a single HTTP response.

Dependent Claims 2-5 depend from independent Claim 1; dependent Claims 7-10 depend from independent Claim 6; and dependent Claim 12 depends from independent Claim 11. These dependent claims also stand rejected under 35 U.S.C. §102(e) as being anticipated by Colson. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 6, and 12. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further

distinguish these claims from Colson. Therefore, dependent Claims 2-5, 7-10, and 12 are also in condition for allowance.

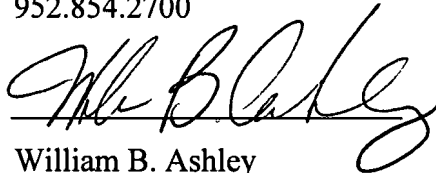
Authorization is given to charge Deposit Account No. 50-3581 (NSN.022.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: October 16, 2007

By:



William B. Ashley
Reg. No. 51,419